

COURT DOUBTS STATE'S RIGHT TO SEIZE THAW

Justice Ingraham Dwells
on Issue of Good Faith
with New Hampshire.

PRISONER ELATED BY DAWNING HOPE

Considers Chances Better Now
—Mr. Kennedy Defends New
York's Right to Kidnap Him.

Harry K. Thaw and his attorneys were much encouraged yesterday by the seemingly favorable progress of their case in the Appellate Division, where argument was made on their appeal from Justice Page's decision which ordered Thaw back to Matteawan under the Dowling commitment.

The court interrupted Franklin Kennedy, Deputy Attorney General, several times in his argument, Presiding Justice Ingraham intimating that the return of Thaw to Matteawan was subordinate to the question as to whether the honor of the State of New York was not at stake in extraditing a man from another state on one charge, of which he was acquitted, and then holding him on another process.

So sanguine are the Thaw advocates that the higher court will grant the motion that he be returned to New Hampshire, from whose jurisdiction he was extradited to be tried on the charge of conspiracy to escape from the Matteawan asylum, that a decision is looked for next Thursday or, at the latest, Friday of the following week.

Thaw's Chances Improve.

Therefore, when the case comes before Justice Bijur on Monday on the writ of habeas corpus, under which Thaw is now held in the Tombs, counsel will move for an adjournment of probably a month, which will give the Appellate Division sufficient time to reach its conclusion, which may make the argument of the habeas corpus proceeding unnecessary.

As matters now stand, Thaw has two chances against one for the state. If the Appellate Division should decide that Thaw must be returned to New Hampshire the Sheriff of New York County will be required to take him to the state prison in New Hampshire.

On the other hand, if the court holds that Justice Page should be sustained in his decision to detain him in Matteawan, Thaw still will have to stand to play. The habeas corpus proceeding will still remain to be determined, and that proceeding will open up a new question in the present phase of the much complicated case.

In the habeas corpus proceeding will be presented the question of Thaw's sanity. Justice Page did not pass on the present mental condition of the prisoner, but holding merely that the Dowling commitment was to be effective.

Then, again, if the Appellate Division should decide in favor of Thaw, and the state appeals to the Court of Appeals, thus staying his release, the habeas corpus proceeding will probably be disposed of before the highest court decides the appeal, and the mean time Thaw might have a chance to obtain a hearing on his sanity, and if held to be sane his chance of release would be greatly enhanced.

Justice Ingraham, who since the Thaw murder trial has been elevated to the Appellate Division bench, did not sit on the case yesterday. Former Justice Morgan J. O'Brien made the principal argument for Thaw, being seconded by John H. Stanchfield and Abel I. Smith, while Deputy Attorney General Franklin Kennedy and Frank K. Cook appeared for the state.

Mr. O'Brien again dwelt strongly on the obligation of the State of New York to the State of New Hampshire. This, he said, involved a question of good faith between states, because Thaw was extradited for the specific purpose of standing trial on the conspiracy indictment, and, being acquitted, it was the duty of the state to permit his return to the state which permitted the extradition and in which he is welcome.

In the course of Mr. Kennedy's argument Presiding Justice Ingraham made a remark that was considered significant. He said there was no doubt as to the legality of the Dowling commitment and that the only question was whether the state had a right to return Thaw to Matteawan without first permitting him safe passage to New Hampshire, following his acquittal on the charge for which he was extradited.

Claims Right to Seize Thaw.

This remark followed the statement by Mr. Kennedy that even had New York State kidnapped Thaw from New Hampshire it would have been perfectly legal and would not have violated the commitment. Mr. Kennedy added that the state had a perfect right to take Thaw under the Dowling commitment, no matter what means were used to bring him back to the New York jurisdiction.

Justice Ingraham expressed the opinion that many citizens might regard the action of New York as dishonorable if the theory of the Attorney General was put into practice. "The question in this case," said the presiding justice, "is whether the State of New York can with honor hold Thaw to the Dowling commitment when he has been acquitted on the charge for which he was extradited."

HEIRESS DESERTS CHILD Woman, on Way to New York to Have Good Time, Arrested.

(By Telegraph to The Tribune.)
Lexington, Ky., March 26.—Because mother love turned to hate, Mrs. Stella Boyd, twenty years old, heiress to a \$20,000 estate, deserted her six-month-old babe and started to New York, where she hoped to find her husband, who had deserted her, and where she expected to have a good time on her money when it finally came to her. Mrs. Boyd is a member of a wealthy family of Mayville, Ky., and was formerly socially prominent. She got as far as Cincinnati to-day on her way to New York and was arrested. She left her baby at Mayville several days ago, and when she did not return officers got on her trail.

Mrs. Boyd said to-night: "The child's father left it. He would not take care of the kid, and I don't want to have anything to do with it. I left the child because I wanted to get away from it and because I wanted to see the world."

Her \$20,000 estate will be payable next August.

RETAILERS FIGHT FOR FIFTH AVENUE

Organize to Oppose Invasion of Shopping District by Garment Makers.

When drygoods manufacturer meets drygoods retailer there comes a tug of war. Several years ago owners of department stores in lower Fifth Avenue moved uptown into the vicinity of Thirty-fourth Street to escape the invasion of garment manufacturers, who were flooding the downtown district.

Now, the cloak and suit makers are moving into the region hitherto dedicated to aristocratic shops, and the retailers are strained to the breaking point.

No active steps have been taken by either side to settle the controversy. There have been debates and conferences, as a result of which retailers and buyers of a large number of manufacturers conducting funds above a certain dead line, but no definite action has been reached.

It is not merely patriotic prejudice which inspires the retailers to object to another invasion of their territory. A store which tries to conduct a business in a wholesale district is, in effect, working under a great disadvantage. Not only is the neighborhood bound to deteriorate, but the store is hampered at noon by the hyphenated American garment workers who insist on thronging the sidewalks and while away their lunch time in conversations.

Franklin Simon, of Franklin Simon & Co., is heading the movement to keep the Fifth Avenue shopping center undisturbed. Committees of retailers are being appointed to confer with bankers and insurance men to convince them that it is extremely undesirable for them to advance money to enable manufacturers to move uptown.

"We will take this matter up with the operatives themselves," he announced yesterday. "We will show them that if their employers move into the retail district they will be subjected to greatly increased overhead charges, which will eventually come out of the pockets of the artisan."

Another ardent supporter of the cause of the retailer is Paul J. Bonwit, of Bonwit & Co.

"I am heartily in favor of any move which store owners may make to protect themselves," he said yesterday. "It will be extremely detrimental to business if we allow the manufacturers to again invade the shopping district. Steps should be taken at once to prevent it."

Not only the stores of the Fifth Avenue Association, but also other retailers in the city are lending their support to the movement. It is believed they will try to interest the city authorities in the solution of the problem.

NEEDLE IN HER TWO YEARS

Entered in Italy, Came Out in Tarrytown.

A broken needle, after being in the ankle of Milla Nicholas, eleven, of Cortland Street, Tarrytown, for two years, came out yesterday morning.

While Milla lived in Italy she was sent to the store by her mother. In leaving on the steamer a needle which she had fastened in her waist broke and a section one inch and a half long entered her breast. It pained her for a few days and then she forgot about it. Two months later she came to America with her father.

Wife Goes Alone to Cracow to Visit Count Szechenyi



THE COUNTESS SZECHENYI (FORMERLY MISS GLADYS VANDERBILT), WHO IS LEAVING BUDAPEST TO GO TO CRACOW TO JOIN HER HUSBAND.

Three Countesses of American Birth Work at Regular Military Hospitals When Their Services Are Rejected by U. S. Army Doctor.

(The Cable to The Tribune.)
Vienna, March 26.—The Austrian Ministry of War has granted permission to Countess Szechenyi (formerly Miss Gladys Vanderbilt) to visit her husband, who is overhauling the Hungarian army at Cracow. Despite the assurance that since the fall of Przemyel there will soon be a big battle near Cracow, the countess, who has just recovered from measles, will make the journey alone, as no arrangements could be made for a maid to accompany her.

Until her illness, which was at first thought to be smallpox, the countess was with Countess Sigay (formerly Miss Harriet Daly), one of the most devoted laborers of the Hungarian Red Cross. Besides her own private hospital, established on the Szechenyi estates, she and Countess Sigay contributed, among other things, complete X-ray equipments for the American Red Cross hospital at Budapest, and the three American countesses, Szechenyi, Sigay and Zichy (the last named formerly Miss Mabel Wright, of Boston), expected to be nurses in the American hospital, as all three speak Hungarian and could have been of immense assistance to the American unit, but Dr. Charles MacDonald, of the United States Army, then head of the

unit, but since recalled, absolutely rejected their services.

The Hungarian authorities were at a loss to understand Dr. MacDonald's action, and the countesses have not entered the hospital since, though they say they have no quarrel with the institution now that Dr. MacDonald is no longer there, but that they merely find the present American doctor unamused as well as to work.

Since quitting the American hospital their work has been in regular military hospitals, where they followed the eight-hour routine of feeding, bathing and bandaging, all who come most strenuous nursing.

"It has been a tragic but wonderful experience," said Countess Sigay. "To know and to serve these brave men, to be so near the front, to be so near the danger, to be so near the death, to be so near the life, to be so near the love, to be so near the hope, to be so near the faith, to be so near the courage, to be so near the sacrifice, to be so near the glory, to be so near the honor, to be so near the fame, to be so near the power, to be so near the wealth, to be so near the influence, to be so near the respect, to be so near the admiration, to be so near the love, to be so near the hope, to be so near the faith, to be so near the courage, to be so near the sacrifice, to be so near the glory, to be so near the honor, to be so near the fame, to be so near the power, to be so near the wealth, to be so near the influence, to be so near the respect, to be so near the admiration, to be so near the love, to be so near the hope, to be so near the faith, to be so near the courage, to be so near the sacrifice, to be so near the glory, to be so near the honor, to 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